

Senate Bill No. 1809

Passed the Senate May 11, 2006

Secretary of the Senate

Passed the Assembly August 17, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 33373 of, and to repeal and add Section 33456 of, the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1809, Machado. Redevelopment: eminent domain.

Existing law governs eminent domain proceedings including those initiated by community redevelopment agencies. Existing law requires a description of the land within a redevelopment project area and a statement that proceedings for the redevelopment of the project area have been instituted to be recorded with the county recorder of the county in which the project area is situated after the legislative body adopts a redevelopment plan. Existing law authorizes amendments to a redevelopment plan to be recorded as promptly as practicable following their adoption by the legislative body.

This bill would require the statement to be recorded not later than 60 days following adoption of a redevelopment plan or amendments to a redevelopment plan. The statement regarding plan adoption and the statement regarding amendments to the plan, if a plan amendment adds territory to the project area, would be required to contain a prominent heading in boldface type noting that the property that is the subject of the statement is located within a redevelopment project, a description of the provisions of the redevelopment plan that authorize the agency to use of the power of eminent domain, and a general description of any limitations on the use of the power of eminent domain contained in the redevelopment plan. For a redevelopment plan adopted on or before December 31, 2006, that authorizes the acquisition of property by eminent domain, the bill would require the agency, on or before December 31, 2007, to cause a revised statement to be recorded with the county recorder of the county in which the project area is situated containing all the above information. The bill would prohibit an agency from commencing an action in eminent domain until this statement is recorded with the county recorder. By imposing new duties on

local government, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 33373 of the Health and Safety Code is amended to read:

33373. (a) Not later than 60 days after the adoption of the redevelopment plan by the legislative body there shall be recorded with the county recorder of the county in which the project area is situated a description of the land within the project area and a statement that proceedings for the redevelopment of the project area have been instituted under this part.

(b) If the redevelopment plan authorizes the agency to acquire property by eminent domain, the statement required pursuant to subdivision (a) shall contain the following:

(1) A prominent heading in boldface type noting that the property that is the subject of the statement is located within a redevelopment project.

(2) A general description of the provisions of the redevelopment plan that authorize the use of the power of eminent domain by the agency.

(3) A general description of any limitations on the use of the power of eminent domain contained in the redevelopment plan, including, without limitation, the time limit required by Section 33333.2.

(c) For a redevelopment plan adopted on or before December 31, 2006, that authorizes the acquisition of property by eminent domain, the agency shall, on or before December 31, 2007, cause a revised statement to be recorded with the county recorder of the county in which the project area is located containing all of the information required by subdivisions (a) and (b).

(d) An agency shall not commence an action in eminent domain until the statement required by this section is recorded

with the county recorder of the county in which the project area is located.

(e) Additional recordation of documents may be effected pursuant to Section 27295 of the Government Code.

SEC. 2. Section 33456 of the Health and Safety Code is repealed.

SEC. 3. Section 33456 is added to the Health and Safety Code, to read:

33456. (a) Not later than 60 days after the adoption of an amendment to a redevelopment plan pursuant to this article there shall be recorded with the county recorder of the county in which the project area is located a statement that the redevelopment plan has been amended. If the amendment adds territory to the redevelopment project area, the statement shall contain a description of the added territory, a prominent heading in boldface type noting that the property that is the subject of the statement is located within a redevelopment project, a general description of the provisions of the amended redevelopment plan, if any, that authorize the use of the power of eminent domain by the agency within the added territory, and a general description of any limitations on the use of the power of eminent domain within the added territory, including, without limitation, the time limit required by Section 33333.2. If the amendment changes any limitation on the use of eminent domain contained in the redevelopment plan, the statement shall contain a description of the land within the project area and a general description of the change.

(b) An agency shall not commence an action in eminent domain to acquire property located within territory added to a project area by an amendment to a redevelopment plan until the statement required by this section is recorded with the county recorder of the county in which the project area is located.

(c) Additional recordation of documents may be effected pursuant to Section 27295 of the Government Code.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Approved _____, 2006

Governor